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Attorneys for Petitioners
SinSin Europe Solar Asset Limited Partnership and SinSin Solar Capital Limited Partnership

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SINSIN EUROPE SOLAR ASSET LIMITED
PARTNERSHIP and
SINSIN SOLAR CAPITAL LIMITED
PARTNERSHIP,

Petitioners,

v.

SPI ENERGY CO. LTD,

Respondent.

Case No. 2:22-cv-01991-MCE-JDP

**DECLARATION OF M.M.
UTTERBACK IN SUPPORT OF
MOTION SEEKING LEAVE TO FILE
AMENDED PETITION AND MOTION
FOR**

**(1) CONFIRMATION OF FOREIGN
ARBITRAL AWARDS;**

(2) ENTRY OF JUDGMENT;

(3) INJUNCTIVE RELIEF; AND

**(4) ATTORNEYS' FEES INCURRED IN
CONFIRMING THE AWARDS**

I, Mary Margaret Utterback, hereby declare and state as follows:

1. I am a Partner in King & Wood Mallesons' New York office. I am counsel for Petitioners SinSin Europe Solar Asset Limited Partnership and SinSin Solar Capital Limited Partnership and am admitted in this Court *pro hac vice*.

2. The evidence set out in the foregoing declaration is based on my personal knowledge. I am fully familiar with the facts of this case and can attest to the authenticity of the Exhibits referenced herein.

1 3. I submit this declaration in support of Petitioners' Motion Seeking Leave to File an
2 Amended Petition and Motion for (1) Confirmation of Foreign Arbitral Awards, (2) Entry of
3 Judgment, (3) Injunctive Relief, and (4) Attorney's Fees Incurred in Confirming the Awards
4 against SPI Energy Co. Ltd. ("**Respondent**").

5 4. Attached hereto as **Exhibit A** is a true and correct copy of an email between Todd
6 Noonan ("**Respondent's Counsel**"), Andrew Sklar, and myself (collectively "**Petitioners'**
7 **Counsel**") dated March 16, 2023.

8 5. Attached hereto as **Exhibit B** is a true and correct copy of an email thread spanning
9 March 23, 2023 through April 5, 2023 between Respondent's Counsel and Petitioners' Counsel
10 (and the Court in part).

11 6. Attached hereto as **Exhibit C** is a true and correct copy of the proposed Amended
12 Petition and Motion for (1) Confirmation of Foreign Arbitral Awards, (2) Entry of Judgment, (3)
13 Injunctive Relief, and (4) Attorney's Fees Incurred in Confirming the Awards against Respondent.

14 7. Attached hereto as **Exhibit D** is a true and correct copy of the declaration of Xinyu
15 Li in support of the Amended Petition and Motion for (1) Confirmation of Foreign Arbitral Awards,
16 (2) Entry of Judgment, (3) Injunctive Relief, and (4) Attorney's Fees Incurred in Confirming the
17 Awards against Respondent.

18
19 I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge,
20 information, and belief.

21
22 Executed on: April 11, 2023

23
24 Respectfully submitted,

25
26 By: 
27 M.M. Utterback
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